

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BANK OF AMERICA,

Plaintiff,

v.

CIV 10-1097 KG/LAM

TRES HERMANOS DAIRY, LLC,

Defendant.


ORDER OF DISMISSAL

This matter is before the court *sua sponte* to consider Plaintiff's failure to respond to the Court's order entered July 9, 2014, which required Plaintiff to file a written explanation why this case should remain open, on or before July 18, 2014, or the case will be dismissed. Because Plaintiff has not responded, I find a manifest lack of interest in litigating its claims.

As previously noted, the Court has the inherent power to impose a variety of sanctions on litigants in order to, among other things, regulate its docket and promote judicial efficiency. *Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *E.g.*, *Nat'l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639, 642-43 (1976); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-302 (1962); *see also Costello v. United States*, 365 U.S. 265, 286-87 (1961) (district court may dismiss *sua sponte* for failure to comply with order of court); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 ("dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules.").

Wherefore,

IT IS HEREBY ORDERED THAT Plaintiff's Complaint is DISMISSED
without prejudice, and this action is DISMISSED.



UNITED STATES DISTRICT JUDGE